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3 MINUTES OF THE

4
5 April 19, 2007 Meeting of the

6
7 Easton Planning & Zoning Commission

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9 Members Present: John Atwood, Chairman, and members Linda Cheezum, Dan Swann,
10 Tom Moore, and Steve Periconi.

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12 Members Absent: None.

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14 Staff Present: Tom Hamilton, Town Planner, Lynn Thomas, Long Range Planner, Zach
15 Smith, Current Planner, and Stacie Rice, Planning Secretary.

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17 Staff Absent: None.

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19 Mr. Atwood called the meeting of the Planning & Zoning Commission to order at
20 1:00 p.m. The first order of business was the approval of the minutes of the Commission's
21 meeting of March 15, 2007. Upon motion of Mr. Swann, seconded by Mr. Moore, the
22 Commission voted 5-0 to approve the March minutes.

23
24 The first item on the agenda was a **Growth Allocation Public Hearing** for
25 **Londonderry Retirement Community**. The property is located at 768 Port Street. Bill
26 Stagg, the applicant's agent explained they are requesting Planned Health Care Site Plan
27 review and Critical Area Growth Allocation. This is a continuation of your March Planning
28 commission meeting concerning an expansion to Londonderry Retirement Community.
29 However, for this addition to happen the applicant needs a relatively small amount (7.513
30 acres) of Critical Area Growth Allocation. Upon motion of Mr. Moore, seconded by Mrs.
31 Cheezum the Commission voted 4-0 to send a favorable recommendation to the Town
32 Council. Upon motion of Mr. Periconi, seconded by Mr. Atwood the Commission voted 4-
33 0 to approve the HC development finding the project consistent with the Comprehensive
34 Plan and recommended to the Town Council they approve the project and to remove
35 structure that is partially in the flood zone.

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37 *Mr. Periconi excused himself from the meeting.*

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39 The next item discussed was **8999 Ocean Gateway (Panera Bread)** requesting
40 sketch site plan review and parking waiver. The site is currently vacant located south of Bob
41 Evans in the Easton Commons Subdivision. The applicant proposes to improve the site
42 with a 5,155 square foot 1 story Panera Bread restaurant with a drive thru. The proposed
43 building is proposed to be sided with brick veneer. They are showing a number of windows
44 and doors on the south façade. The building has a drive thru window on the west façade.
45 The applicant is proposing 90 parking spaces and requests a waiver of 13 spaces. The
46 Commission was concerned with drive thru traffic turning into the parking lot where
47 customers would be entering the building. Mr. Stagg explained that he could re design the
48 exit of the drive thru lane to redirect traffic; however they would lose 4 parking spaces,
49 therefore needed a waiver of 17 spaces. Upon motion of Mr. Swann, seconded by Mrs.
50 Cheezum the Commission voted 4-0 to approve the sketch site plan, waiver of 17 parking
51 spaces, and modification of the drive thru exit.

9 The next order of business was the discussion of a proposed **Inclusionary Zoning**
10 **Ordinance**. Mr. Thomas briefed the Commission as to what is meant by Inclusionary
11 Zoning and pointed out that it is one of the methods being used today to address the
12 problem of housing affordability. Mr. Thomas indicated that he worked with the Easton
13 Affordable Housing Board to develop the draft document which is proposed as a new article
14 of the Zoning Ordinance. Mr. Thomas then pointed out that four members of the Housing
15 Board were present today, Larry Neviasser, Miles Circo, Mary Ann Draut, and Otis
16 Sampson. He then turned it over to Mr. Neviasser who spoke briefly about the history of
17 the Board and the kinds of projects they have been working on in addition to Inclusionary
18 Zoning.

19
20 Mr. Thomas then described the main features of the proposed legislation. He stated that
21 there are basically four key parts of the proposed Inclusionary Zoning Article. The first is
22 the threshold requirement. This is the maximum number of units that a developer can build
23 before the Inclusionary Zoning requirements kick-in. The Housing Board's draft proposes
24 that this threshold be 5 dwelling units (10 for adaptive reuse or nonresidential conversion
25 projects). The second key element of the draft legislation is the minimum Inclusionary
26 requirement, or how many of the units must be "affordable." Easton's draft proposes that
27 this be 15%. The third important area is a density bonus, which is awarded to developers as
28 extra market-rate housing to offset the losses associated with the provision of below-market
29 rate (i.e. affordable) units. Mr. Circo pointed out that this is important because without it,
30 the cost of the affordable units just gets passed on to the market-rate units, driving their
31 prices up even more. The proposed density bonus is 10% for PUD or PR projects and 20%
32 for conventional R-10A, R-7A, or CR subdivisions. The final key element of the proposed
33 Inclusionary Zoning ordinance is a provision for administrative relief. These are a series of
34 options that a developer might be able to utilize if they are able to convince the Affordable
35 Housing Board through solid financial data, that the requirements of the Inclusionary
36 Zoning Ordinance renders their project unfeasible. They include a wide range of options
37 including waiving or reducing various fees, zoning requirements, or infrastructure
38 requirements.

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40 Mr. Thomas concluded by stating that there is a fifth key area that is not actually a part of
41 the Inclusionary Zoning Ordinance, but is indirectly related and will probably be the most
42 frequently asked question concerning the Ordinance. That is, what is the target market (or
43 what is meant by "affordable")? He stated that this has been answered by part of the other
44 work that the Housing Board has been doing. As part of the process of developing
45 applications and review criteria for the affordable units produced by Elm Street (and soon to
46 be others), the Board has defined what is affordable to various income levels. The
47 Inclusionary Zoning Ordinance refers to these definitions and requires that the homes be
48 affordable to households with an annual income that qualifies as moderate income.

49
50 Following the presentation Mr. Stagg stated that while he is in favor of what the Housing
51 Board is doing and supports the concept of Inclusionary Zoning, he would like the
52 Commission and the Housing Board to see what the ramifications would be in the real world
53 in terms of the number of units that actually get produced. He is afraid that because of the
54 density that projects tend to get approved at in Easton, the bonus will essentially be
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9 meaningless because a developer will never get to it. He offered to apply the proposed
10 standards to a couple of “real-world” examples that he has worked on and share them with
11 the Housing Board and the Commission to see how they would be impacted by these
12 requirements. The Commission thus tabled further action on this matter until Mr. Stagg has
13 had the opportunity to sketch something up.
14

15 The next item on the agenda was another discussion item concerning a possible
16 revision to the boundaries of the **Planned Redevelopment Overlay District**. Mr. Thomas
17 explained that this item was referred to the Commission by the Town Council, who had
18 been presented with this proposal at a recent Council meeting by the East End
19 Neighborhood Association. Mr. Thomas briefly summarized the history of the PR District.
20 It was created in the 1993 Zoning Ordinance at the same time as the PUD and CM districts.
21 Prior to that there were no special districts in Easton except for the Historic District and the
22 Critical Area. The original intent of the PR was to facilitate land use changes primarily in the
23 industrially-zoned areas along the former rail-line, without having to go through parcel-by-
24 parcel and rezone each parcel. The PR was basically a pre-mapped PUD offering great
25 flexibility to potential redevelopment projects. The boundaries have been changed several
26 times over the years. One such expansion was done at the request of the East End
27 Neighborhood Association in order to encourage any type of development to occur in that
28 neighborhood. Now the same Neighborhood Association is suggesting that it is time to roll-
29 back or remove large portions of the East End from the PR.
30

31 Mr. Scott Jensen presented the request on behalf of the East End Neighborhood
32 Association (EENA). He stated that the original intent of the PR was a good one and
33 should still apply to those areas that it was originally intended to address. However in much
34 of the East End the problem is now that the provisions of the PR are being used to simply
35 allow undesirable commercial intrusion into the neighborhood. Ms. Priscilla Morris stated
36 that the difference between when the EENA requested the expansion of the PR and now, is
37 that circumstances have changed. The expansion was requested at a time when crime was
38 much worse and vacant buildings were a major problem. Thus the thought was that a
39 building occupied by any use was better than a vacant building. Now the neighborhood is
40 much more stable, and the possibility of commercial intrusion into the neighborhood
41 threatens residential owner-occupied housing, which would be the greatest source of
42 neighborhood stability.
43

44 Mr. Thomas stated that he agreed with the EENA for at least 95% of the area they are
45 suggesting and the remaining 5% might be appropriate to change as well, it just ought to be
46 discussed. However he pointed out that one downside to the proposed change is that a lot
47 of property-owners will lose a lot of flexibility with the Zoning Ordinance. He stated that
48 probably the most common use of the PR is from owners of homes that were built many
49 years before zoning was enacted and therefore in many cases, they were built closer to
50 property lines than would be allowed after zoning setbacks were enacted. Thus in order to
51 do anything, even a simple expansion to an existing house that simply lines up with the
52 existing plane of the house, requires a Variance and all the costs and time associated with
53 that process. The PR standards state that in many cases such as this, the proposed
54 improvements can be reviewed and approved completely at the staff level.
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8 Mr. Joe Minnarick, President of EENA, presented a map indicating the location and number
9 of homes that have been improved in recent years in the East End that did not go through
10 the PR process. He said this is proof that the flexibility of the PR is not necessary to
11 encourage needed changes. Mr. Smith, however, pointed out that many of the homes
12 indicated by the map did in fact take advantage of the administrative flexibility described by
13 Mr. Thomas.
14

15 Mr. Hamilton added that while we have listened to the neighborhood in the past concerning
16 changes to the PR and it certainly makes sense to strongly consider what they are now asking
17 since they are the ones primarily affected, before we ultimately make such a sweeping
18 change, we should notify the affected property-owners. Some of them may have purchased
19 property based on the flexibility possible in the PR and in all fairness they should have the
20 opportunity to comment before such a change is made.
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22 The Commission then considered the matter. Following much discussion, a motion was
23 made by Mrs. Cheezum, seconded by Mr. Atwood, to forward a recommendation to the
24 Town Council to revise the PR boundary as proposed by the EENA, subject to the
25 condition that notice of the Town Council's Public Hearing on this request be sent to all
26 affected property owners. The vote on this motion resulted in a 2-2 tie. The result is that
27 the matter will be referred to the Council with no recommendation from the Commission.
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29 The item was from staff concerning **Norris Ford of Easton**. Norris Ford has
30 approval for a new building on the used car site. However, due to ongoing issues with the
31 Easton Airport Mr. Hatcher doesn't want to put a large investment into the new building
32 until all issues have been worked out with the Airport. He is requesting to replace the
33 existing trailer with a new one. He isn't positive as to how the Airport's plans will affect
34 Norris Ford. Mr. Hatcher provided the Commission with a drawing of the proposed trailer
35 and location. Upon motion of Mr. Moore, seconded by Mrs. Cheezum the Commission
36 voted 4-0 to approve a new temporary trailer for 2 years (April 2009).
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38 The next item was also from staff concerning **768 Idlewild Avenue** for a temporary
39 **Produce Stand**. The applicant, Richard Reiher, explained that he would like to operate a
40 produce stand at 768 Idlewild Avenue (Wishing Well Liquors) from Memorial Day until the
41 week after Labor Day. He has operated a produce stand at Town & Country Liquors on St.
42 Michaels Road for the past three years. The stand is 10' x 26' and will face the parking lot
43 rather than Route 50. He explained that signage will be tastefully done and will not have any
44 sort of banners, pennants, balloons etc. Ingress/egress will be from Idlewild Avenue and
45 there is a parking lot to the rear of the existing building. Upon motion of Mr. Moore
46 seconded by Mr. Atwood the Commission voted 3-1 (Mrs. Cheezum opposed) to forward a
47 favorable recommendation to the Board of Zoning Appeals.
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49 There being no further business the meeting was adjourned at 4:00 p.m. by motion
50 of Mr. Moore, seconded by Mrs. Cheezum.
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52 Respectfully submitted,
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55 Stacie S. Rice
56 Planning & Zoning Secretary